

County of Los Angeles

COTTAGE FOOD OPERATIONS GUIDE



Environmental Health
5050 Commerce Drive, Baldwin Park, CA 91706
Telephone: (626) 430-5320
Website: <http://www.publichealth.lacounty.gov/eh>



Cottage Food Operation Guidelines

INTRODUCTION

AB 1616, the California Homemade Food Act, was signed into law by Governor Brown on September 21, 2012 and will become effective on January 1, 2013. This new law will allow certain foods, known as Cottage Foods, to be made in private homes and sold to the public. Individuals who own and run these home-based businesses will be known as Cottage Food Operators (CFOs).

This guide provides information to anyone who is interested in starting a Cottage Food Operation. It will provide information about the application process requirements, permitting/registration, and general food safety.

SUBMISSION OF REGISTRATION/PERMITTING FORM AND SELF-CERTIFICATION CHECKLIST

You may complete and submit the Registration/Permitting Form on our web site at <http://www.publichealth.lacounty.gov/eh/> or you may mail your completed Registration/Permitting Form to **Los Angeles County Environmental Health, 5050 Commerce Drive, Baldwin Park, CA 91706, attention Zepur Ohannessian**. In order to obtain the registration or permit number, please include the following items along with your Registration/Permitting Form:

- Self-Certification Checklist (Class A Only)
- A copy of all proposed cottage food product labels.
- If the potable water source is from a private well, a laboratory analysis from within the prior 3 months verifying that the water meets State water quality standards for bacteriological and primary inorganic chemicals.
- Payment of the applicable fee.

Note: For Class B, a permit to operate will only be granted after an initial inspection has been conducted and approval to operate is received.

The Department of Public Health (DPH) is in the process of seeking Los Angeles County Board of Supervisors approval for final Cottage Food Operator Registration and Permit fees. DPH anticipates this process to be completed and implemented by July 1, 2013. In the meantime, DPH will charge the following based on our hourly service rates:

- | | |
|-------------------------------------|-------|
| 1. Registration (Class A ONLY)..... | \$65 |
| 2. Permit (Class B ONLY)..... | \$194 |

Payments in the form of checks and money orders are accepted. Please make checks payable to: Los Angeles County, Department of Public Health, and include the name of your cottage food operation in the memo line of your check or money order.

Note: There will be a \$33.00 fee for all returned checks.

DEFINITIONS:

1. **“Class A CFO”** is a Cottage Food Operation (CFO) that may engage only in direct sales of cottage food products from the CFO or other direct sales venue.
2. **“Class B CFO”** is a CFO that may engage in both direct sales and indirect sales of cottage food products.
3. **“Cottage food employee”** is an individual, paid or volunteer, who is involved in the preparation, packaging, handling, and storage of a cottage food product, or otherwise works for a CFO. An employee does not include an immediate family member or household member of the cottage food operator.
4. **“Cottage Food Operation (CFO)”** means an enterprise, which produces cottage food products only in the home kitchen of that person's primary home. A CFO shall not operate as a food facility or wholesale food manufacturer.
5. **“Cottage food operator”** is an individual who operates a CFO in his or her private home and is the owner of the CFO.
6. **“Cottage food products”** means non-potentially hazardous foods that are prepared for sale in the kitchen of a CFO. Foods containing cream, custard, or meat fillings are potentially hazardous and are not allowed in food preparation by a CFO.
7. **“Direct sales”** means a transaction between a CFO and a consumer, where the consumer purchases the cottage food product directly from the CFO. Examples include, but are not limited to, holiday bazaars, temporary events, bake sales, food swaps, certified farmers' markets and community-supported agricultural subscriptions.
8. **“Indirect sales”** means an interaction between a CFO, a third party retailer, and a consumer; where the consumer purchases cottage food products made by the CFO from a third party retailer that holds a valid permit.
9. **“Potentially hazardous food”** means a food that requires time/temperature control for safety to limit pathogenic microorganism growth or toxin formation. Non-potentially hazardous foods do not require time/temperature control.
10. **“Private home”** is a dwelling, including an apartment or other leased space, where individuals reside.
11. **“Registered or Permitted area”** means the portion of a private home that contains the private home's kitchen used for the preparation, packaging, storage or handling of cottage food products and related ingredients or equipment, or both, and attached rooms within the home that are used **exclusively** for storage.
12. **“Vermin”** means cockroaches, mice, rats, flies and similar pests that carry disease.

13. **“Sanitizing”** means the use of chemicals such as bleach to remove harmful bacteria from food contact areas such as countertops, cutting boards, pots, pans and other utensils.

WHERE DO I START?

In order to become a Cottage Food Operation you must decide what type of cottage food products you want to prepare and sell. Next, you must decide if the type of sales conducted will be direct sales (Class A) or indirect sales (Class B). Finally, you must contact LA County Department of Public Health, (LA DPH), Environmental Health Division to register as either “A” or “Class B”.

WHAT TYPE OF PERMIT IS REQUIRED?

1. A “Class A” CFO shall not be open for business unless it is registered with LA DPH, Environmental Health Division and has submitted an approved self-certification checklist.
 - a. “Class A” CFOs are subject to inspection on the basis of a consumer complaint, reason to suspect that adulterated or otherwise unsafe food has been produced by the CFO, or that the CFO has violated this chapter.
 - b. The fee to register is \$65.00.
2. A “Class B” CFO shall not be open for business unless it obtains a permit from LA DPH, Environmental Health Division.
 - a. A Permit shall be issued after an initial inspection has been conducted to determine that the proposed “Class B” CFO and its method of operation are in compliance.
 - “Class B” CFOs are subject to one routine inspection per year.
 - b. The fee for obtaining a permit is \$194.

ADDITIONAL REQUIREMENTS

1. A registration or permit is non-transferable. A registration or permit shall be valid only for the person, location, type of food sales, and distribution activity specified by that registration or permit, and unless suspended or revoked for cause, for the time period indicated.
2. A person who prepares or packages cottage food products shall complete a food processor course by the California Department of Public Health (CDPH) within three months of becoming registered. CDPH will work with the local enforcement agency to ensure that CFOs are properly notified of the location, date, and time of the classes offered.

Note: For both types of Cottage Food Operations, the Cottage Food Operator must contact their local city/county planning department for approval.

WHAT ARE THE REQUIREMENTS FOR COTTAGE FOOD OPERATIONS?

Cottage Food Operations (CFOs) are single-family style homes or apartment units with a non-commercial kitchen.

1. **CFO Area:** Any and all equipment, utensils, food, drinks, ingredients, and items used for the CFO must be stored and used within the home. No cottage food functions including storage, preparation, mixing, assembling, packaging, and/or labeling may occur in any location outside the registered/permitted area. Examples of areas that may not be used include but are not limited to backyards, sheds, garages, lean-tos, vehicles, out-buildings or any other structure or location that is not inside the living space of the home.

- a. **Registered or Permitted Area:** The CFO operator is required to specify which areas will be considered the “registered/permited area” when obtaining their registration/permit from the local enforcement agency.
 - b. **Non-CFO Operators:** No infants, small children, or pets are allowed in the registered area during CFO food handling or preparation activities.
2. **Hand Washing Facilities:** A sink must be available for hand washing during food handling or preparation activities. The sink must be supplied with hand soap and warm water. It is recommended that single-use paper towels be provided in a dispenser for drying of hands.
3. **Water Supply:** An adequate, protected, pressurized potable supply of warm water and cold water shall be available for cottage food operations. Water used during the preparation of cottage food products shall meet the potable drinking water standards described in Section 113869. If the CFO is serviced by a private well, the water shall be tested by an approved laboratory analysis to verify that it meets State water quality standards for bacteriological and primary inorganic chemicals. Approval to operate will be granted after submitting recent (within 3 Months) laboratory results to Environmental Health.

Water used during the preparation of cottage food products includes all of the following:

- Washing and sanitizing of equipment used in the preparation of a cottage food product.
- Washing and sanitizing of hands and arms.
- Water used as an ingredient.

Note: It is recommended that any CFO that has a private water supply contact their local Environmental Health Agency to find out what requirements they will have to meet regarding the water.

4. **Food Sources:** All foods or ingredients used in a Cottage Food Operation shall come from an approved source and shall be obtained from sources that comply with all applicable laws. Approved sources include an acceptable producer, manufacturer, distributor, or a permitted food facility.
5. **Food Storage:** All food shall be manufactured, produced, prepared, compounded, packed, stored, transported, kept for sale, and served so as to be pure and free from adulteration and spoilage. All food shall be protected from dirt, vermin, unnecessary handling, droplet contamination, overhead leakage, or other environmental sources of contamination. Adequate and suitable space shall be provided for the storage of food and ingredients.
 - a. It is recommended that all food should be stored at least 6 inches above the floor or under other conditions that are approved by the local enforcement agency. Pressurized containers, cased food in waterproof containers such as bottles or cans, and milk containers in plastic crates may be stored on a floor that is clean and not exposed to moisture.
 - b. Potentially hazardous foods (such as eggs and milk) used to make non potentially hazardous products for the cottage food operations are required to be held at 41°F or below.
6. **Chemicals and Personal Item Storage:** Chemical and personal items should be stored in an area separate from food. It is recommended to use pesticides and other cleaning chemicals that

are safe to use in food areas. Follow the manufacturer's product label on how to use the product safely.

- 7. Food Handlers:** Actions by food handlers in a CFO shall not result in the contamination or adulteration of food, food contact surfaces, or utensils. It is recommended that food handlers keep their fingernails trimmed, filed, and maintained so the edges and surfaces are cleanable.
- 8. Hand Washing:** All food handlers in a CFO shall thoroughly wash their hands and any exposed areas of the arms before starting work, immediately after using the bathroom, and as needed to prevent contamination of food or related equipment. Hand sanitizers are not acceptable substitute for hand washing.
- 9. Wounds/Illness and Bandages:** A person with a contagious illness such as tuberculosis or hepatitis A **shall not** work in the cottage food operation. It is recommended that a person with cuts, blisters, or burns cover their hands, wrist and arms with a dry, durable bandage and wear a glove before doing any food preparation or packaging.
- 10. Tobacco Use:** A person involved in the preparation or packaging of cottage food products shall not smoke in the registered/permitted area of the CFO.
- 11. Washing and sanitizing:** Kitchen equipment, utensils, and food contact surfaces used to produce cottage food products shall be clean and maintained in a good repair and shall be washed, rinsed, and sanitized prior to conducting food preparation or packaging.

Recommended sanitizing solution: 100 parts per million (ppm) for bleach (commonly used sanitizer). Other approved chemicals that can be used are: 200 ppm quaternary ammonium or 25 ppm iodine.

To make a 100ppm bleach sanitizer solution use unscented household bleach 1 tablespoon per 1 gallon of water. For best results the bleach should be used in warm water (100°F - 110°F).

- The use of sponges when cleaning and/or sanitizing food-contact surfaces is not recommended.
- Other sanitizers may be used if they are safe to use on surfaces that come in contact with food. **See sanitizer products labels.**

- 12. General Sanitation:** No cottage food preparation, packaging, or handling may occur in the home kitchen/permitted area at the same time with any other domestic activities, such as family meal preparation, dishwashing, clothes washing, or guest entertainment. The sinks used for food preparation must be washed and sanitized before use. It is recommended that dirty mop water not be dumped in the kitchen sink.
- 13. Animals:** Animals/pets are not allowed in the registered/permitted areas of the cottage food operation at all times while preparing, packaging, or handling of cottage food products.
- 14. Vermin:** All food preparation and food storage areas shall be maintained free of vermin.
- 15. Garbage:** The premises of each cottage food operation shall be kept clean and free of litter, garbage, and vermin.

16. Sewer: A CFO using an onsite wastewater system may need to have the system reviewed to ensure it is adequate for their proposed operation.

FOOD PRODUCT LABELING

A CFO shall properly label all cottage food products in compliance with the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Sec. 343 et seq.). Additionally, to the extent permitted by federal law, the label shall include, but is not limited to, all of the following:

- The words “Made in a Home Kitchen” in 12-point type on the cottage food product’s primary display panel.
- The name commonly used for the food product or an adequately descriptive name.
- The name of the CFO which produced the cottage food product and the address for its location.
- The registration or permit number of the Class A or Class B CFO, respectively, which produced the cottage food product and, in the case of a Class B CFO, the name of the county of the local enforcement agency that issued the permit number.
- The ingredients of the cottage food product, in descending order of predominance by weight, if the product contains two or more ingredients.

“Class A” Label Requirements

- The word “Made in Home Kitchen” (Required to be in the main display panel in 12 point size)
- Common name of food or descriptive name
- Name and address of Cottage Food Operation which produced the cottage food product
- Registration Number of the Cottage Food Operation
- Ingredients of the cottage food product, in descending order of predominance of weight, if the product contains two or more ingredients

“Class B” Label Requirements

- The word “Made in Home Kitchen” (Required to be in the main display panel in 12 point size)
- Common name of food or descriptive name
- Name and address of Cottage Food Operation which produced the cottage food product
- Public Health Permit number of the Cottage Food Operation
- The name of the county of the local enforcement agency that issued the permit number
- Ingredients of the cottage food product, in descending order of predominance of weight, if the product contains two or more ingredients

Food Facility Advertising

A cottage food product that is served by a food facility, such as restaurant, without packaging or labeling shall be identified to the consumer as homemade on the menu, menu board, or other location that would reasonably inform a consumer of its homemade status. For the purpose of this document, “Homemade” means food made at a CFO.

LIMITATIONS

1. A CFO can have only one full-time equivalent cottage food employee, not including a family or household member.
2. The CFO is limited to the following amount of gross annual sales:
 - In 2013 \$35,000

- In 2014 \$45,000
 - In 2015 and in subsequent years \$50,000
3. A cottage food product shall not be potentially hazardous food. CDPH is responsible for maintaining the list of approved cottage food products on their website and may add or delete cottage food products from the list. Any change to the list shall become effective 30 days after it is added or removed from the list.
 4. A “Class B” CFO may **ONLY** conduct indirect sales in the County where they are permitted, unless they receive permission from another County.
 5. You may accept orders and payment on-line for the cottage food products, however, the cottage food products must be delivered directly to the buyer by the CFO.

If you have additional questions or need further assistance, please call Consultative Services at (626)430-5320 or email cottagefoodoperator@ph.lacounty.gov.